D.B. CIVIL WRIT PETITION NO.183/2007

Ghanshyam Sharma(invalid)
Vs.
Union of India & Ors.

Date of Order :: 12-01-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE GOVIND MATHUR

Shri S.N. Bohra, for the petitioner.

This writ petition is directed against the order of the Central Administrative Tribunal, Jodhpur Bench dated 7.9.2006 in O.A.no.210/2005 rejecting the O.A. of the petitioner. The petitioner had approached this Court seeking direction for his medical examination and implementation of the recommendations of the Medical Board.

The petitioner was appointed as a Waterman in the P & T Department, Jodhpur on 17.1.1981. An incident occurred in the office on 24.11.1988 in which he suffered fracture of jaw bones which rendered him unfit for job. According to the petitioner, he is still undergoing medical treatment. During part of the period his younger brother, Vijay Sharma, worked on his behalf as Evazi and he was paid remuneration for the service rendered.

The Tribunal took the view inter alia that the application was time barred as he had not come within the period of limitation from the date of representation dated 22.10.1992. The Tribunal also took the view that he has not worked since 1988 itself, and he cannot claim to be in employment of the department. The appointment was on part time basis and he was rendering service for 2-3 hours in the morning and evening. Having been rendered unfit for discharging the duties of the post, we do not think any case is made out for issuance of direction as prayed for. We find no error in the order of the Tribunal.

The petition is dismissed.

[GOVIND MATHUR],J. [S.N.JHA],CJ.

Praveen